

By the Committee on Transportation

306-822A-02

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 redesignating the turnpike district as the
5 turnpike enterprise; amending s. 206.46, F.S.;
6 increasing the amount that may be transferred
7 from the State Transportation Trust Fund to the
8 Right-of-Way Acquisition and Bridge
9 Construction Trust Fund for purposes of paying
10 the debt service on outstanding bonds; amending
11 s. 215.615, F.S.; authorizing revenue bonds to
12 finance or refinance right-of-way acquisition
13 and fixed capital expenditures for busway
14 transportation systems; authorizing the
15 department to enter into agreements with local
16 governments for busway projects; limiting the
17 percentage of available funds which may be used
18 for a single project; amending s. 337.025,
19 F.S.; eliminating the cap on innovative highway
20 projects for the turnpike enterprise; amending
21 s. 337.107, F.S.; authorizing the department to
22 enter into design-build contracts that include
23 right-of-way acquisition services; amending s.
24 337.11, F.S.; providing an exemption for
25 turnpike enterprise projects; raising the
26 limitation on certain contracts into which the
27 department may enter without first obtaining
28 bids; expanding the projects that may be
29 combined into a design-build contract;
30 providing restrictions; amending s. 338.165,
31 F.S.; conforming provisions; amending s.

1 338.22, F.S.; redesignating the Florida
2 Turnpike Law as the Florida Turnpike Enterprise
3 Law; amending s. 338.221, F.S.; redefining the
4 term "economically feasible" as used with
5 respect to turnpike projects; creating s.
6 338.2215, F.S.; providing legislative findings,
7 policy, purpose, and intent for the turnpike
8 enterprise; creating s. 338.2216, F.S.;
9 prescribing the power and authority of the
10 turnpike enterprise; amending s. 338.223, F.S.;
11 increasing the maximum loan amount for the
12 turnpike enterprise; amending s. 338.227, F.S.;
13 conforming provisions; amending s. 338.2275,
14 F.S.; authorizing the turnpike enterprise to
15 advertise for bids for contracts before
16 obtaining environmental permits; amending s.
17 338.234, F.S.; authorizing the turnpike
18 enterprise to expand business opportunities;
19 amending s. 338.235, F.S.; authorizing the
20 consideration of goods instead of fees;
21 amending s. 338.239, F.S.; providing that
22 approved expenditures to the Florida Highway
23 Patrol be paid by the turnpike enterprise;
24 amending s. 338.241, F.S.; lowering the
25 required cash reserve for the turnpike
26 enterprise; amending ss. 338.251, 339.135,
27 F.S., relating to the Toll Facilities Revolving
28 Trust Fund and the department's work program;
29 conforming provisions to changes made by the
30 act; amending s. 339.08, F.S.; clarifying
31 provisions governing the use of funds in the

1 State Transportation Trust Fund; amending s.
2 339.12, F.S.; increasing the limitation on the
3 amount that local governments may advance to
4 the department for state road projects;
5 providing for prompt payment to local
6 governments that perform projects for the
7 department; amending s. 341.031, F.S.; defining
8 the term "busway" for purposes of the Florida
9 Public Transit Act; amending s. 206.606, F.S.;
10 conforming a cross-reference to changes made by
11 the act; amending s. 553.80, F.S; authorizing
12 the turnpike enterprise to enforce construction
13 regulations; providing effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (a) of subsection (4) of section
18 20.23, Florida Statutes, is amended, paragraph (f) is added to
19 that subsection, and subsection (6) of that section is amended
20 to read:

21 20.23 Department of Transportation.--There is created
22 a Department of Transportation which shall be a decentralized
23 agency.

24 (4)(a) The operations of the department shall be
25 organized into seven ~~eight~~ districts, ~~including a turnpike~~
26 ~~district,~~ each headed by a district secretary, and a turnpike
27 enterprise, headed by an executive director. The district
28 secretaries shall report to the Assistant Secretary for
29 District Operations. The headquarters of the districts shall
30 be located in Polk, Columbia, Washington, Broward, Volusia,
31 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of

1 the turnpike enterprise shall be located in Orange County.~~The~~
2 ~~turnpike district must be relocated to Orange County in the~~
3 ~~year 2000.~~In order to provide for efficient operations and to
4 expedite the decisionmaking process, the department shall
5 provide for maximum decentralization to the districts.
6 However, before making a decision to centralize or
7 decentralize department operations ~~or relocate the turnpike~~
8 ~~district~~, the department must first determine if the decision
9 would be cost-effective and in the public's best interest. The
10 department shall periodically evaluate such decisions to
11 ensure that they are appropriate.

12 (f)1. The responsibility for the turnpike system shall
13 be delegated by the secretary to the executive director of the
14 turnpike enterprise, who shall serve at the pleasure of the
15 secretary. The executive director shall report directly to the
16 secretary, and the turnpike enterprise shall operate pursuant
17 to ss. 338.22-338.241.

18 2. To facilitate the most efficient and effective
19 management of the turnpike enterprise, including the use of
20 best business practices employed by the private sector, the
21 turnpike enterprise is exempt from the department's policies,
22 procedures, and standards, subject to the secretary's
23 authority to apply any such policies, procedures, and
24 standards to the turnpike enterprise when he or she considers
25 it appropriate.

26 3. To enhance the ability of the turnpike enterprise
27 to use best business practices employed by the private sector,
28 the secretary shall adopt rules that exempt the turnpike
29 enterprise from the department's rules and authorize the
30 turnpike enterprise to employ procurement methods available to
31 the private sector.

1 (6) To facilitate the efficient and effective
2 management of the department in a businesslike manner, the
3 department shall develop a system for the submission of
4 monthly management reports to the Florida Transportation
5 Commission and secretary from the district secretaries and the
6 executive director of the turnpike enterprise. The commission
7 and the secretary shall determine which reports are required
8 to fulfill their respective responsibilities under this
9 section. A copy of each such report shall be submitted monthly
10 to the appropriations and transportation committees of the
11 Senate and the House of Representatives. Recommendations made
12 by the Auditor General in his or her audits of the department
13 that relate to management practices, systems, or reports shall
14 be implemented in a timely manner. However, if the department
15 determines that one or more of the recommendations should be
16 altered or should not be implemented, it shall provide a
17 written explanation of such determination to the Legislative
18 Auditing Committee within 6 months after the date the
19 recommendations were published.

20 Section 2. Subsection (2) of section 206.46, Florida
21 Statutes, is amended to read:

22 206.46 State Transportation Trust Fund.--

23 (2) Notwithstanding any other provisions of law, from
24 the revenues deposited into the State Transportation Trust
25 Fund a maximum of 7 percent in each fiscal year shall be
26 transferred into the Right-of-Way Acquisition and Bridge
27 Construction Trust Fund created in s. 215.605, as needed to
28 meet the requirements of the documents authorizing the bonds
29 issued or proposed to be issued under ss. 215.605 and 337.276
30 or at a minimum amount sufficient to pay for the debt service
31 coverage requirements of outstanding bonds. Notwithstanding

1 the 7 percent annual transfer authorized in this subsection,
2 the annual amount transferred under this subsection shall not
3 exceed an amount necessary to provide the required debt
4 service coverage levels for a maximum debt service not to
5 exceed ~~\$200~~\$135 million. Such transfer shall be payable
6 primarily from the motor and diesel fuel taxes transferred to
7 the State Transportation Trust Fund from the Fuel Tax
8 Collection Trust Fund.

9 Section 3. Section 215.615, Florida Statutes, is
10 amended to read:

11 215.615 Fixed-guideway and busway transportation
12 systems funding.--

13 (1) The issuance of revenue bonds by the Division of
14 Bond Finance, on behalf of the Department of Transportation,
15 pursuant to s. 11, Art. VII of the State Constitution, is
16 authorized, pursuant to the State Bond Act, to finance or
17 refinance advanced right-of-way acquisition and fixed capital
18 expenditures for busway and fixed-guideway transportation
19 systems, as defined in s. 341.031, including facilities
20 appurtenant thereto, costs of issuance, and other amounts
21 relating to such financing or refinancing. Such revenue bonds
22 shall be matched on a 50-50 basis with funds from sources
23 other than revenues of the Department of Transportation, in a
24 manner acceptable to the Department of Transportation. The
25 Division of Bond Finance is authorized to consider innovative
26 financing technologies which may include, but are not limited
27 to, innovative bidding and structures of potential financings
28 ~~findings~~ that may result in negotiated transactions.

29 (a) The department and any participating commuter rail
30 authority or regional transportation authority established
31 under chapter 343, local governments, or local governments

1 collectively by interlocal agreement having jurisdiction of an
2 existing or planned busway, high-speed rail, or other a
3 fixed-guideway transportation system may enter into an
4 interlocal agreement to promote the efficient and
5 cost-effective financing or refinancing of the busway or
6 fixed-guideway transportation system projects or to purchase
7 advanced right-of-way by revenue bonds issued pursuant to this
8 subsection. The terms of such interlocal agreements shall
9 include provisions for the Department of Transportation to
10 request the issuance of the bonds on behalf of the parties;
11 shall provide that each party to the agreement is
12 contractually liable for an equal share of funding an amount
13 equal to the debt service requirements of such bonds; and
14 shall include any other terms, provisions, or covenants
15 necessary to the making of and full performance under such
16 interlocal agreement. Repayments made to the department under
17 any interlocal agreement are not pledged to the repayment of
18 bonds issued hereunder, and failure of the local governmental
19 authority to make such payment shall not affect the obligation
20 of the department to pay debt service on the bonds.

21 (b) Revenue bonds issued pursuant to this subsection
22 shall not constitute a general obligation of, or a pledge of
23 the full faith and credit of, the State of Florida. Bonds
24 issued pursuant to this section shall be payable from funds
25 available pursuant to s. 206.46(3), subject to annual
26 appropriation. The amount of revenues available for debt
27 service shall never exceed a maximum of 2 percent of all state
28 revenues deposited into the State Transportation Trust Fund.

29 (c) The projects to be financed or refinanced with the
30 proceeds of the revenue bonds issued hereunder are designated
31 as state fixed capital outlay projects or advanced

1 right-of-way acquisition for purposes of s. 11(d), Art. VII of
2 the State Constitution, and the specific projects to be
3 financed or refinanced shall be determined by the Department
4 of Transportation in accordance with state law and
5 appropriations from the State Transportation Trust Fund. Each
6 project to be financed with the proceeds of the bonds issued
7 pursuant to this subsection must first be approved by the
8 Legislature by an act of general law or by an act relating to
9 appropriations.

10 (d) Any complaint for validation of bonds issued
11 pursuant to this section shall be filed in the circuit court
12 of the county where the seat of state government is situated,
13 the notice required to be published by s. 75.06 shall be
14 published only in the county where the complaint is filed, and
15 the complaint and order of the circuit court shall be served
16 only on the state attorney of the circuit in which the action
17 is pending.

18 (e) The state does hereby covenant with holders of
19 such revenue bonds or other instruments of indebtedness issued
20 hereunder, that it will not repeal or impair or amend these
21 provisions in any manner that will materially and adversely
22 affect the rights of such holders as long as bonds authorized
23 by this subsection are outstanding.

24 (f) This subsection supersedes any inconsistent
25 provisions in existing law.

26
27 Notwithstanding this subsection, the lien of revenue bonds
28 issued pursuant to this subsection on moneys deposited into
29 the State Transportation Trust Fund shall be subordinate to
30 the lien on such moneys of bonds issued under ss. 215.605,
31 320.20, and 215.616, and any pledge of such moneys to pay

1 operating and maintenance expenses under s. 206.46(5) and
2 chapter 348, as may be amended.

3 (2) To be eligible for participation, the busway or
4 fixed-guideway transportation system projects or advanced
5 right-of-way acquisition must comply with the ~~major capital~~
6 ~~investment policy guidelines~~ and criteria established by the
7 Department of Transportation under chapter 341; must be found
8 to be consistent, to the maximum extent feasible, with
9 approved local government comprehensive plans of the local
10 governments in which such projects are located; and must be
11 included in the work program of the Department of
12 Transportation pursuant to the provisions under s. 339.135.
13 The department shall certify that the expected useful life of
14 the transportation improvements will equal or exceed the
15 maturity date of the debt to be issued.

16 Section 4. Section 337.025, Florida Statutes, is
17 amended to read:

18 337.025 Innovative highway projects; department to
19 establish program.--The department is authorized to establish
20 a program for highway projects demonstrating innovative
21 techniques of highway construction, maintenance, and finance
22 which have the intended effect of controlling time and cost
23 increases on construction projects. Such techniques may
24 include, but are not limited to, state-of-the-art technology
25 for pavement, safety, and other aspects of highway
26 construction and maintenance; innovative bidding and financing
27 techniques; accelerated construction procedures; and those
28 techniques that have the potential to reduce project life
29 cycle costs. To the maximum extent practical, the department
30 must use the existing process to award and administer
31 construction and maintenance contracts. When specific

1 innovative techniques are to be used, the department is not
2 required to adhere to those provisions of law that would
3 prevent, preclude, or in any way prohibit the department from
4 using the innovative technique. However, prior to using an
5 innovative technique that is inconsistent with another
6 provision of law, the department must document in writing the
7 need for the exception and identify what benefits the
8 traveling public and the affected community are anticipated to
9 receive. The department may enter into no more than \$120
10 million in contracts annually for the purposes authorized by
11 this section. However, the annual limitation on contracts
12 which is provided in this section does not apply to turnpike
13 enterprise projects, nor may turnpike enterprise projects be
14 counted toward the department's annual limitation.

15 Section 5. Effective July 1, 2003, section 337.107,
16 Florida Statutes, as amended by section 3 of chapter 2001-350,
17 Laws of Florida, is amended to read:

18 337.107 Contracts for right-of-way services.--The
19 department may enter into contracts pursuant to s. 287.055 for
20 right-of-way services on transportation corridors and
21 transportation facilities or the department may include
22 right-of-way services, as defined in this section, as part of
23 the design-build contracts awarded pursuant to s. 337.11.
24 Right-of-way services include negotiation and acquisition
25 services, appraisal services, demolition and removal of
26 improvements, and asbestos-abatement services.

27 Section 6. Paragraph (c) of subsection (3) of section
28 337.11, Florida Statutes, is amended to read:

29 337.11 Contracting authority of department; bids;
30 emergency repairs, supplemental agreements, and change orders;

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1 combined design and construction contracts; progress payments;
2 records; requirements of vehicle registration.--

3 (3)

4 (c) No advertisement for bids shall be published and
5 no bid solicitation notice shall be provided until title to
6 all necessary rights-of-way and easements for the construction
7 of the project covered by such advertisement or notice has
8 vested in the state or a local governmental entity, and all
9 railroad crossing and utility agreements have been executed.

10 The turnpike enterprise is exempt from this paragraph with

11 respect to a turnpike enterprise project.Title to all

12 necessary rights-of-way shall be deemed to have been vested in
13 the State of Florida when such title has been dedicated to the
14 public or acquired by prescription.

15 Section 7. Effective July 1, 2003, paragraph (a) of
16 subsection (7) of section 337.11, Florida Statutes, as amended
17 by section 4 of chapter 2001-350, Laws of Florida, is amended
18 to read:

19 337.11 Contracting authority of department; bids;
20 emergency repairs, supplemental agreements, and change orders;
21 combined design and construction contracts; progress payments;
22 records; requirements of vehicle registration.--

23 (7)(a) If the head of the department determines that
24 it is in the best interests of the public, the department may
25 combine the right-of-way services and design and construction
26 phases of ~~any a building, a major bridge, or a rail corridor~~
27 project into a single contract, except for resurfacing or
28 minor bridge projects that may be combined under s. 337.025.

29 Such contract is referred to as a design-build contract.

30 Design-build contracts may be advertised and awarded

31 notwithstanding the requirements of paragraph (3)(c). However,

1 construction activities may not begin on any portion of such
2 projects until title to the necessary rights-of-way and
3 easements for the construction of that portion of the project
4 has vested in the state or a local governmental entity and all
5 railroad crossing and utility agreements have been executed.
6 Title to rights-of-way vests in the state when the title has
7 been dedicated to the public or acquired by prescription.

8 Section 8. Section 338.165, Florida Statutes, is
9 amended to read:

10 338.165 Continuation of tolls.--

11 (1) The department, any transportation or expressway
12 authority or, in the absence of an authority, a county or
13 counties may continue to collect the toll on a
14 revenue-producing project after the discharge of any bond
15 indebtedness related to such project and may increase such
16 toll. All tolls so collected shall first be used to pay the
17 annual cost of the operation, maintenance, and improvement of
18 the toll project.

19 (2) If the revenue-producing project is on the State
20 Highway System, any remaining toll revenue shall be used for
21 the construction, maintenance, or improvement of any road on
22 the State Highway System within the county or counties in
23 which the revenue-producing project is located, except as
24 provided in s. 348.0004.

25 (3) Notwithstanding any other law to the contrary,
26 pursuant to s. 11, Art. VII of the State Constitution, and
27 subject to the requirements of subsection (2), the Department
28 of Transportation may request the Division of Bond Finance to
29 issue bonds secured by toll revenues collected on the
30 Alligator Alley to fund transportation projects contained in

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1 the 1993-1994 Adopted Work Program or in any subsequent
2 adopted work program of the department.

3 (4) If the revenue-producing project is on the county
4 road system, any remaining toll revenue shall be used for the
5 construction, maintenance, or improvement of any other state
6 or county road within the county or counties in which the
7 revenue-producing project is located, except as provided in s.
8 348.0004.

9 (5) Selection of projects on the State Highway System
10 for construction, maintenance, or improvement with toll
11 revenues shall be, with the concurrence of the department,
12 consistent with the Florida Transportation Plan.

13 (6) Notwithstanding the provisions of subsection (1),
14 and not including high occupancy toll lanes or express lanes,
15 no tolls may be charged for use of an interstate highway where
16 tolls were not charged as of July 1, 1997.

17 (7) This section does not apply to the turnpike system
18 as defined under the Florida Turnpike Enterprise Law.

19 Section 9. Section 338.22, Florida Statutes, is
20 amended to read:

21 338.22 Florida Turnpike Law; short title.--Sections
22 338.22-338.241 may be cited as the "Florida Turnpike
23 Enterprise Law."

24 Section 10. Section 338.221, Florida Statutes, is
25 amended to read:

26 338.221 Definitions of terms used in ss.
27 338.22-338.241.--As used in ss. 338.22-338.241, the term
28 ~~following words and terms have the following meanings, unless~~
29 ~~the context indicates another or different meaning or intent:~~

30 (1) "Bonds" or "revenue bonds" means notes, bonds,
31 refunding bonds or other evidences of indebtedness or

1 obligations, in either temporary or definitive form, issued by
2 the Division of Bond Finance on behalf of the department and
3 authorized under the provisions of ss. 338.22-338.241 and the
4 State Bond Act.

5 (2) "Cost," as applied to a turnpike project, includes
6 the cost of acquisition of all land, rights-of-way, property,
7 easements, and interests acquired by the department for
8 turnpike project construction; the cost of such construction;
9 the cost of all machinery and equipment, financing charges,
10 fees, and expenses related to the financing; establishment of
11 reserves to secure bonds; interest prior to and during
12 construction and for such period after completion of
13 construction as shall be determined by the department; the
14 cost of traffic estimates and of engineering and legal
15 expenses, plans, specifications, surveys, estimates of cost
16 and revenues; other expenses necessary or incident to
17 determining the feasibility or practicability of acquiring or
18 constructing any such turnpike project; administrative
19 expenses; and such other expenses as may be necessary or
20 incident to the acquisition or construction of a turnpike
21 project, the financing of such acquisition or construction,
22 and the placing of the turnpike project in operation.

23 (3) "Feeder road" means any road no more than 5 miles
24 in length, connecting to the turnpike system which the
25 department determines is necessary to create or facilitate
26 access to a turnpike project.

27 (4) "Owner" includes any person or any governmental
28 entity that has title to, or an interest in, any property,
29 right, easement, or interest authorized to be acquired
30 pursuant to ss. 338.22-338.241.

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1 (5) "Revenues" means all tolls, charges, rentals,
2 gifts, grants, moneys, and other funds coming into the
3 possession, or under the control, of the department by virtue
4 of the provisions hereof, except the proceeds from the sale of
5 bonds issued under ss. 338.22-338.241.

6 (6) "Turnpike system" means those limited access toll
7 highways and associated feeder roads and other structures,
8 appurtenances, or rights previously designated, acquired, or
9 constructed pursuant to the Florida Turnpike Enterprise Law
10 and such other additional turnpike projects as may be acquired
11 or constructed as approved by the Legislature.

12 (7) "Turnpike improvement" means any betterment
13 necessary or desirable for the operation of the turnpike
14 system, including, but not limited to, widenings, the addition
15 of interchanges to the existing turnpike system, resurfacings,
16 toll plazas, machinery, and equipment.

17 (8) "Economically feasible," with respect to a
18 proposed turnpike project, "Economically feasible" means that
19 the revenues of the project in combination with those of the
20 existing turnpike system are sufficient to service the debt of
21 the outstanding turnpike bonds to safeguard investors.+

22 ~~(a) For a proposed turnpike project, that, as~~
23 ~~determined by the department before the issuance of revenue~~
24 ~~bonds for the project, the estimated net revenues of the~~
25 ~~proposed turnpike project, excluding feeder roads and turnpike~~
26 ~~improvements, will be sufficient to pay at least 50 percent of~~
27 ~~the debt service on the bonds by the end of the 5th year of~~
28 ~~operation and to pay at least 100 percent of the debt service~~
29 ~~on the bonds by the end of the 15th year of operation. In~~
30 ~~implementing this paragraph, up to 50 percent of the adopted~~

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1 ~~work program costs of the project may be funded from turnpike~~
2 ~~revenues.~~

3 ~~(b) For turnpike projects, except for feeder roads and~~
4 ~~turnpike improvements, financed from revenues of the turnpike~~
5 ~~system, such project, or such group of projects, originally~~
6 ~~financed from revenues of the turnpike system, that the~~
7 ~~project is expected to generate sufficient revenues to~~
8 ~~amortize project costs within 15 years of opening to traffic.~~

9
10 This subsection does not prohibit the pledging of revenues
11 from the entire turnpike system to bonds issued to finance or
12 refinance a turnpike project or group of turnpike projects.

13 (9) "Turnpike project" means any extension to or
14 expansion of the existing turnpike system and new limited
15 access toll highways and associated feeder roads and other
16 structures, interchanges, appurtenances, or rights as may be
17 approved in accordance with the Florida Turnpike Enterprise
18 Law.

19 (10) "Statement of environmental feasibility" means a
20 statement by the Department of Environmental Protection of the
21 project's significant environmental impacts.

22 Section 11. Section 338.2215, Florida Statutes, is
23 created to read:

24 338.2215 Florida Turnpike Enterprise; legislative
25 findings, policy, purpose, and intent.--It is the intent of
26 the Legislature that the turnpike enterprise be provided
27 additional powers and authority in order to maximize the
28 advantages obtainable through fully leveraging the Florida
29 Turnpike System asset. The additional powers and authority
30 will provide the turnpike enterprise with the autonomy and
31 flexibility necessary to enable it to more easily pursue

1 innovations as well as best practices found in the private
2 sector in management, finance, organization, and operations.
3 The additional powers and authority are intended to improve
4 cost-effectiveness and timeliness of project delivery,
5 increase revenues, expand the turnpike system's capital
6 program capability, and improve the quality of service to its
7 patrons, while continuing to protect the turnpike system's
8 bondholders and further preserve, expand, and improve the
9 Florida Turnpike System.

10 Section 12. Section 338.2216, Florida Statutes, is
11 created to read:

12 338.2216 Florida Turnpike Enterprise; powers and
13 authority.--

14 (1)(a) In addition to the powers granted to the
15 department, the Florida Turnpike Enterprise has full authority
16 to exercise all powers granted to it under this chapter. These
17 powers include, but are not limited to, the authority to plan,
18 construct, maintain, repair, and operate the Florida Turnpike
19 System.

20 (b) It is the express intent of this part that the
21 Florida Turnpike Enterprise be authorized to plan, develop,
22 own, purchase, lease, or otherwise acquire, demolish,
23 construct, improve, relocate, equip, repair, maintain,
24 operate, and manage the Florida Turnpike System; to expend
25 funds to publicize, advertise, and promote the advantages of
26 using the turnpike system and its facilities; and to
27 cooperate, coordinate, partner, and contract with other
28 entities, public and private, to accomplish these purposes.

29 (c) The executive director of the turnpike enterprise
30 shall appoint a staff that is exempt from part II of chapter
31 110. The fiscal functions of the turnpike enterprise,

1 including those arising under chapter 216, chapter 334, or
2 chapter 339, shall be managed by the turnpike enterprise chief
3 financial officer, who must possess qualifications similar to
4 those of the department's comptroller.

5 (2) The department may employ procurement methods
6 available to the Department of Management Services under
7 chapter 255 or chapter 287 and under any rule adopted under
8 either of those chapters solely for the benefit of the
9 turnpike enterprise. In order to enhance the effective and
10 efficient operation of the turnpike enterprise, the department
11 may adopt rules for procurement procedures alternative to
12 procedures set forth in chapters 255, 287, and 337.

13 (3)(a) The turnpike enterprise shall be a single
14 budget entity and shall develop a budget pursuant to chapter
15 216. The budget for the turnpike enterprise must be submitted
16 to the Legislature with the department's budget.

17 (b) Notwithstanding the provisions of s. 216.301 and
18 in accordance with s. 216.351, the Executive Office of the
19 Governor shall, on July 1 of each year, certify forward all
20 unexpended funds appropriated or provided under this section
21 for the turnpike enterprise. Of the unexpended funds
22 certified forward, any unencumbered amounts shall be carried
23 forward. The funds carried forward must not exceed 5 percent
24 of the total operating budget of the turnpike enterprise.
25 Funds carried forward under this section may be used for any
26 lawful purpose, including, but not limited to, promotional and
27 market activities, technology, and training. Any
28 certified-forward funds remaining undisbursed on December 31
29 of each year shall be carried forward.

30 (4) The powers conferred upon the turnpike enterprise
31 under ss. 338.22-338.241 are in addition and supplemental to

1 the existing powers of the department and the turnpike
2 enterprise, and these powers may not be construed as
3 abrogating any provision of any other law, general or local;
4 but ss. 338.22-338.241 supersede such other laws as are
5 inconsistent with the exercise of the powers provided under
6 those sections and provide a complete method for the exercise
7 of the powers granted under those sections.

8 Section 13. Subsection (4) of section 338.223, Florida
9 Statutes, is amended to read:

10 338.223 Proposed turnpike projects.--

11 (4) The department is authorized, with the approval of
12 the Legislature, to use federal and state transportation funds
13 to lend or pay a portion of the operating, maintenance, and
14 capital costs of turnpike projects. ~~Federal and state~~
15 ~~transportation funds included in an adopted work program, or~~
16 ~~the General Appropriations Act, for a turnpike project do not~~
17 ~~have to be reimbursed to the State Transportation Trust Fund,~~
18 ~~or used in determining the economic feasibility of the~~
19 ~~proposed project.~~ For operating and maintenance loans, the
20 maximum net loan amount in any fiscal year shall not exceed
21 1.5 ~~0.5~~ percent of state transportation tax revenues for that
22 fiscal year.

23 Section 14. Subsection (2) of section 338.227, Florida
24 Statutes, is amended to read:

25 338.227 Turnpike revenue bonds.--

26 (2) The proceeds of the bonds of each issue shall be
27 used solely for the payment of the cost of the turnpike
28 projects for which such bonds shall have been issued, except
29 as provided in the State Bond Act. Such proceeds shall be
30 disbursed and used as provided by ss. 338.22-338.241 and in
31 such manner and under such restrictions, if any, as the

1 Division of Bond Finance may provide in the resolution
2 authorizing the issuance of such bonds or in the trust
3 agreement hereinafter mentioned securing the same. All
4 revenues and bond proceeds from the turnpike system received
5 by the department pursuant to ss. 338.22-338.241, the Florida
6 Turnpike Enterprise Law, shall be used only for the cost of
7 turnpike projects and turnpike improvements and for the
8 administration, operation, maintenance, and financing of the
9 turnpike system. No revenues or bond proceeds from the
10 turnpike system shall be spent for the operation, maintenance,
11 construction, or financing of any project which is not part of
12 the turnpike system.

13 Section 15. Subsection (2) of section 338.2275,
14 Florida Statutes, is amended to read:

15 338.2275 Approved turnpike projects.--

16 (2) The department is authorized to use turnpike
17 revenues, the State Transportation Trust Fund moneys allocated
18 for turnpike projects pursuant to s. 338.001, federal funds,
19 and bond proceeds, and shall use the most cost-efficient
20 combination of such funds, in developing a financial plan for
21 funding turnpike projects. The department must submit a
22 report of the estimated cost for each ongoing turnpike project
23 and for each planned project to the Legislature 14 days before
24 the convening of the regular legislative session. Verification
25 of economic feasibility and statements of environmental
26 feasibility for individual turnpike projects must be based on
27 the entire project as approved. Statements of environmental
28 feasibility are not required for those projects listed in s.
29 12, chapter 90-136, Laws of Florida, for which the Project
30 Development and Environmental Reports were completed by July
31 1, 1990. The ~~All required environmental permits must be~~

1 ~~obtained before the~~ department may advertise for bids for
2 contracts for the construction of any turnpike project before
3 obtaining the required environmental permits.

4 Section 16. Section 338.234, Florida Statutes, is
5 amended to read:

6 338.234 Granting concessions or selling along the
7 turnpike system.--

8 ~~(1)~~ The department may enter into contracts or
9 licenses with any person for the sale of ~~grant concessions or~~
10 ~~sell~~ services or products or business opportunities on ~~along~~
11 the turnpike system, or the turnpike enterprise may sell
12 services, products, or business opportunities on the turnpike
13 system which benefit the traveling public or provide
14 additional revenue to the turnpike system. Services, business
15 opportunities, and products authorized to be sold include, but
16 are not limited to, ~~the sale of~~ motor fuel, vehicle towing and
17 maintenance services; ~~the sale of~~ food with attendant
18 nonalcoholic beverages; lodging, meeting rooms, and other
19 business services opportunities; advertising and other
20 promotional opportunities, which advertising and promotions
21 must be consistent with the dignity and integrity of the
22 state;~~the sale of~~ state lottery tickets sold by authorized
23 retailers; games of amusement that ~~the granting of concessions~~
24 ~~for amusement devices which~~ operate by the application of
25 skill, not including games of chance as defined in s. 849.16
26 or other illegal gambling games; ~~the sale of~~ Florida citrus,
27 goods promoting the state or handmade goods produced within
28 the state; and the granting of concessions for equipment which
29 provides travel information, or tickets, reservations, or
30 other related services. ~~and the granting of concessions which~~
31 ~~provide banking and other business services.~~ The department

1 ~~may also provide information centers on the plazas for the~~
2 ~~benefit of the public.~~

3 ~~(2) The department may provide an opportunity for~~
4 ~~governmental agencies to hold public events at turnpike plazas~~
5 ~~which educate the traveling public as to safety, travel, and~~
6 ~~tourism.~~

7 Section 17. Subsection (3) of section 338.235, Florida
8 Statutes, is amended to read:

9 338.235 Contracts with department for provision of
10 services on the turnpike system.--

11 (3) The department may enter into contracts or
12 agreements, with or without competitive bidding or
13 procurement, to make available, on a fair, reasonable,
14 nonexclusive, and nondiscriminatory basis, turnpike property
15 and other turnpike structures, for the placement of wireless
16 facilities by any wireless provider of mobile services as
17 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
18 telecommunications company as defined in s. 364.02 when it is
19 determined to be practical and feasible to make such property
20 or structures available. The department may, without adopting
21 a rule, charge a just, reasonable, and nondiscriminatory fee
22 for placement of the facilities, payable annually, based on
23 the fair market value of space used by comparable
24 communications facilities in the state. The department and a
25 wireless provider may negotiate the reduction or elimination
26 of a fee in consideration of goods and services ~~service~~
27 provided to the department by the wireless provider. All such
28 fees collected by the department shall be deposited directly
29 into the State Agency Law Enforcement Radio System Trust Fund
30 and may be used to construct, maintain, or support the system.

31

1 Section 18. Subsection (2) of section 338.239, Florida
2 Statutes, is amended to read:

3 338.239 Traffic control on the turnpike system.--

4 (2) Members of the Florida Highway Patrol are vested
5 with the power, and charged with the duty, to enforce the
6 rules of the department. Approved expenditures ~~Expenses~~
7 incurred by the Florida Highway Patrol in carrying out its
8 powers and duties under ss. 338.22-338.241 may be treated as a
9 part of the cost of the operation of the turnpike system, and
10 the Department of Highway Safety and Motor Vehicles shall be
11 reimbursed by the turnpike enterprise ~~Department of~~
12 ~~Transportation~~ for such expenses incurred on the turnpike
13 ~~system mainline, which is that part of the turnpike system~~
14 ~~extending from the southern terminus in Florida City to the~~
15 ~~northern terminus in Wildwood including all contiguous~~
16 ~~sections.~~ Florida Highway Patrol Troop K shall be
17 headquartered with the turnpike enterprise and shall be the
18 official and preferred law enforcement troop for the turnpike
19 system. The Department of Highway Safety and Motor Vehicles
20 may, upon request of the executive director of the turnpike
21 enterprise and approval of the Legislature, increase the
22 number of authorized positions for Troop K, or the executive
23 director of the turnpike enterprise may contract with the
24 Department of Highway Safety and Motor Vehicles for additional
25 troops to patrol the turnpike system.

26 Section 19. Section 338.241, Florida Statutes, is
27 amended to read:

28 338.241 Cash reserve requirement.--The budget for the
29 turnpike system shall be so planned as to provide for a cash
30 reserve at the end of each fiscal year of not less than 5 ~~10~~
31 percent of the unpaid balance of all turnpike system

1 contractual obligations, excluding bond obligations, to be
2 paid from revenues.

3 Section 20. Section 338.251, Florida Statutes, is
4 amended to read:

5 338.251 Toll Facilities Revolving Trust Fund.--The
6 Toll Facilities Revolving Trust Fund is hereby created for the
7 purpose of encouraging the development and enhancing the
8 financial feasibility of revenue-producing road projects
9 undertaken by local governmental entities in a county or
10 combination of contiguous counties and the turnpike
11 enterprise.

12 (1) The department is authorized to advance funds for
13 preliminary engineering, traffic and revenue studies,
14 environmental impact studies, financial advisory services,
15 engineering design, right-of-way map preparation, other
16 appropriate project-related professional services, and
17 advanced right-of-way acquisition to expressway authorities,
18 the turnpike enterprise, counties, or other local governmental
19 entities that desire to undertake revenue-producing road
20 projects.

21 (2) No funds shall be advanced pursuant to this
22 section unless the following is documented to the department:

23 (a) The proposed facility is consistent with the
24 adopted transportation plan of the appropriate metropolitan
25 planning organization and the Florida Transportation Plan.

26 (b) A proposed 2-year budget detailing the use of the
27 cash advance and a project schedule consistent with the
28 budget.

29 (3) Prior to receiving any moneys for advance
30 right-of-way acquisition, it shall be shown that such
31 right-of-way will substantially appreciate prior to

1 construction and that savings will result from its advance
2 purchase. Any such request for moneys for advance
3 right-of-way acquisition shall be accompanied by a preliminary
4 engineering study, environmental impact study, traffic and
5 revenue study, and right-of-way maps along with either a
6 negotiated contract for purchase of the right-of-way, such
7 contract to include a clause stating that it is subject to
8 funding by the department or the Legislature, or an appraisal
9 of the subject property for purpose of condemnation
10 proceedings.

11 (4) Each advance pursuant to this section shall
12 require repayment out of the initial bond issue revenue or, at
13 the discretion of the governmental entity or the turnpike
14 enterprise ~~of the facility~~, repayment shall begin no later
15 than 7 years after the date of the advance, provided repayment
16 shall be completed no later than 12 years after the date of
17 the advance. However, such election shall be made at the time
18 of the initial bond issue, and, if repayment is to be made
19 during the time period referred to above, a schedule of such
20 repayment shall be submitted to the department.

21 (5) No amount in excess of \$1.5 million annually shall
22 be advanced to any one governmental entity pursuant to this
23 section without specific appropriation by the Legislature.

24 (6) Funds may not be advanced for funding final design
25 costs beyond 60 percent completion until an acceptable plan to
26 finance all project costs, including the reimbursement of
27 outstanding trust fund advances, is approved by the
28 department.

29 (7) The department may advance funds sufficient to
30 defray shortages in toll revenues of facilities receiving
31 funds pursuant to this section for the first 5 years of

1 operation, up to a maximum of \$5 million per year, to be
2 reimbursed to this fund within 5 years of the last advance
3 hereunder. Any advance under this provision shall require
4 specific appropriation by the Legislature.

5 (8) No expressway authority, county, or other local
6 governmental entity or the turnpike enterprise shall be
7 eligible to receive any advance under this section if the
8 expressway authority, county, or other local governmental
9 entity or the turnpike enterprise has failed to repay any
10 previous advances as required by law or by agreement with the
11 department.

12 (9) Repayment of funds advanced, including advances
13 made prior to January 1, 1994, shall not include interest.
14 However, interest accruing to local governmental entities and
15 the turnpike enterprise from the investment of advances shall
16 be paid to the department.

17 (10) Any repayment of prior or future advances made
18 from the State Transportation Trust Fund which were used to
19 fund any project phase of a toll facility, shall be deposited
20 in the Toll Facilities Revolving Trust Fund. However, when
21 funds advanced to the Seminole County Expressway Authority
22 pursuant to this section are repaid to the Toll Facilities
23 Revolving Trust Fund by or on behalf of the Seminole County
24 Expressway Authority, those funds shall thereupon and
25 forthwith be appropriated for and advanced to the Seminole
26 County Expressway Authority for funding the design of and the
27 advanced right-of-way acquisition for that segment of the
28 Seminole County Expressway extending from U.S. Highway 17/92
29 to Interstate Highway 4. Notwithstanding subsection (6), when
30 funds previously advanced to the Orlando-Orange County
31 Expressway Authority are repaid to the Toll Facilities

1 Revolving Trust Fund by or on behalf of the Orlando-Orange
2 County Expressway Authority, those funds may thereupon and
3 forthwith be appropriated for and advanced to the Seminole
4 County Expressway Authority for funding that segment of the
5 Seminole County Expressway extending from U.S. Highway 17/92
6 to Interstate Highway 4. Any funds advanced to the
7 Tampa-Hillsborough County Expressway Authority pursuant to
8 this section which have been or will be repaid on or after
9 July 1, 1998, to the Toll Facilities Revolving Trust Fund on
10 behalf of the Tampa-Hillsborough County Expressway Authority
11 shall thereupon and forthwith be appropriated for and advanced
12 to the Tampa-Hillsborough County Expressway Authority for
13 funding the design of and the advanced right-of-way
14 acquisition for the Brandon area feeder roads, capital
15 improvements to increase capacity to the expressway system,
16 and Lee Roy Selmon Crosstown Expressway System Widening as
17 authorized under s. 348.565.

18 (11) The department shall adopt rules necessary for
19 the implementation of this section, including rules for
20 project selection and funding.

21 Section 21. Paragraph (a) of subsection (4) of section
22 339.135, Florida Statutes, is amended to read:

23 339.135 Work program; legislative budget request;
24 definitions; preparation, adoption, execution, and
25 amendment.--

26 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

27 (a)1. To assure that no district or county is
28 penalized for local efforts to improve the State Highway
29 System, the department shall, for the purpose of developing a
30 tentative work program, allocate funds for new construction to
31 the districts, except for the turnpike enterprise ~~district~~,

1 based on equal parts of population and motor fuel tax
2 collections. Funds for resurfacing, bridge repair and
3 rehabilitation, bridge fender system construction or repair,
4 public transit projects except public transit block grants as
5 provided in s. 341.052, and other programs with quantitative
6 needs assessments shall be allocated based on the results of
7 these assessments. The department may not transfer any funds
8 allocated to a district under this paragraph to any other
9 district except as provided in subsection (7). Funds for
10 public transit block grants shall be allocated to the
11 districts pursuant to s. 341.052.

12 2. Notwithstanding the provisions of subparagraph 1.,
13 the department shall allocate at least 50 percent of any new
14 discretionary highway capacity funds to the Florida Intrastate
15 Highway System established pursuant to s. 338.001. Any
16 remaining new discretionary highway capacity funds shall be
17 allocated to the districts for new construction as provided in
18 subparagraph 1. For the purposes of this subparagraph, the
19 term "new discretionary highway capacity funds" means any
20 funds available to the department above the prior year funding
21 level for capacity improvements, which the department has the
22 discretion to allocate to highway projects.

23 Section 22. Subsections (1) and (2) of section 339.08,
24 Florida Statutes, are amended to read:

25 339.08 Use of moneys in State Transportation Trust
26 Fund.--

27 (1) The department shall expend ~~by rule provide for~~
28 ~~the expenditure of~~ the moneys in the State Transportation
29 Trust Fund accruing to the department, in accordance with its
30 annual budget.

31

1 (2) ~~The These rules must restrict the~~ use of such
2 moneys is restricted to the following purposes:

3 (a) To pay administrative expenses of the department,
4 including administrative expenses incurred by the several
5 state transportation districts, but excluding administrative
6 expenses of commuter rail authorities that do not operate rail
7 service.

8 (b) To pay the cost of construction of the State
9 Highway System.

10 (c) To pay the cost of maintaining the State Highway
11 System.

12 (d) To pay the cost of public transportation projects
13 in accordance with chapter 341 and ss. 332.003-332.007.

14 (e) To reimburse counties or municipalities for
15 expenditures made on projects in the State Highway System as
16 authorized by s. 339.12(4) upon legislative approval.

17 (f) To pay the cost of economic development
18 transportation projects in accordance with s. 288.063.

19 (g) To lend or pay a portion of the operating,
20 maintenance, and capital costs of a revenue-producing
21 transportation project that is located on the State Highway
22 System or that is demonstrated to relieve traffic congestion
23 on the State Highway System.

24 (h) To match any federal-aid funds allocated for any
25 other transportation purpose, including funds allocated to
26 projects not located in the State Highway System.

27 (i) To pay the cost of county road projects selected
28 in accordance with the Small County Road Assistance Program
29 created in s. 339.2816.

30 (j) To pay the cost of county or municipal road
31 projects selected in accordance with the County Incentive

1 Grant Program created in s. 339.2817 and the Small County
2 Outreach Program created in s. 339.2818.

3 (k) To provide loans and credit enhancements for use
4 in constructing and improving highway transportation
5 facilities selected in accordance with the state-funded
6 infrastructure bank created in s. 339.55.

7 (l) To fund the Transportation Outreach Program
8 created in s. 339.137.

9 (m) To pay other lawful expenditures of the
10 department.

11 Section 23. Paragraph (c) of subsection (4) and
12 subsection (5) of section 339.12, Florida Statutes, are
13 amended to read:

14 339.12 Aid and contributions by governmental entities
15 for department projects; federal aid.--

16 (4)

17 (c) The department may enter into agreements under
18 this subsection for a project or project phase not included in
19 the adopted work program. As used in this paragraph, the term
20 "project phase" means acquisition of rights-of-way,
21 construction, construction inspection, and related support
22 phases. The project or project phase must be a high priority
23 of the governmental entity. Reimbursement for a project or
24 project phase must be made from funds appropriated by the
25 Legislature pursuant to s. 339.135(5). All other provisions of
26 this subsection apply to agreements entered into under this
27 paragraph. The total amount of project agreements for projects
28 or project phases not included in the adopted work program may
29 not at any time exceed \$150~~\$100~~ million.

30 (5) The department and the governing body of a
31 governmental entity may enter into an agreement by which the

1 governmental entity agrees to perform a highway project or
2 project phase in the department's adopted work program which
3 ~~that~~ is not revenue producing or any public transportation
4 project in the adopted work program. By specific provision in
5 the written agreement between the department and the governing
6 body of the governmental entity, the department may agree to
7 compensate ~~reimburse~~ the governmental entity the actual cost
8 of ~~for~~ the project or project phase contained in the adopted
9 work program. Compensation ~~Reimbursement~~ to the governmental
10 entity for such project or project phases must be made from
11 funds appropriated by the Legislature, and compensation
12 ~~reimbursement~~ for the cost of the project or project phase is
13 to begin in the year the project or project phase is scheduled
14 in the work program as of the date of the agreement.

15 Section 24. Present subsections (3) through (10) of
16 section 341.031, Florida Statutes, are redesignated as
17 subsections (4) through (11), respectively, and a new
18 subsection (3) is added to that section, to read:

19 341.031 Definitions relating to Florida Public Transit
20 Act.--As used in ss. 341.011-341.061, the term:

21 (3) "Busway" means a roadway reserved for the
22 exclusive use of buses, either through grade separation or
23 controlled access.

24 Section 25. Subsection (2) of section 206.606, Florida
25 Statutes, is amended to read:

26 206.606 Distribution of certain proceeds.--

27 (2) Not less than 10 percent of the moneys deposited
28 in the State Transportation Trust Fund pursuant to this
29 section shall be allocated by the Department of Transportation
30 for public transit and rail capital projects, including
31 service development projects, as defined in s. 341.031(8) and

1 ~~(9) s. 341.031(7) and (8)~~, unless otherwise provided in the
2 General Appropriations Act.

3 Section 26. Subsection (1) of section 553.80, Florida
4 Statutes, is amended to read:

5 553.80 Enforcement.--

6 (1) Except as provided in paragraphs (a)-(f)~~(a)-(e)~~,
7 each local government and each legally constituted enforcement
8 district with statutory authority shall regulate building
9 construction and, where authorized in the state agency's
10 enabling legislation, each state agency shall enforce the
11 Florida Building Code required by this part on all public or
12 private buildings, structures, and facilities, unless such
13 responsibility has been delegated to another unit of
14 government pursuant to s. 553.79(9).

15 (a) Construction regulations relating to correctional
16 facilities under the jurisdiction of the Department of
17 Corrections and the Department of Juvenile Justice are to be
18 enforced exclusively by those departments.

19 (b) Construction regulations relating to elevator
20 equipment under the jurisdiction of the Bureau of Elevators of
21 the Department of Business and Professional Regulation shall
22 be enforced exclusively by that department.

23 (c) In addition to the requirements of s. 553.79 and
24 this section, facilities subject to the provisions of chapter
25 395 and part II of chapter 400 shall have facility plans
26 reviewed and construction surveyed by the state agency
27 authorized to do so under the requirements of chapter 395 and
28 part II of chapter 400 and the certification requirements of
29 the Federal Government.

30 (d) Building plans approved pursuant to s. 553.77(6)
31 and state-approved manufactured buildings, including buildings

1 manufactured and assembled offsite and not intended for
2 habitation, such as lawn storage buildings and storage sheds,
3 are exempt from local code enforcing agency plan reviews
4 except for provisions of the code relating to erection,
5 assembly, or construction at the site. Erection, assembly, and
6 construction at the site are subject to local permitting and
7 inspections.

8 (e) Construction regulations governing public schools,
9 state universities, and community colleges shall be enforced
10 as provided in subsection (6).

11 (f) Construction regulations relating to
12 transportation facilities under the jurisdiction of the
13 turnpike enterprise of the Department of Transportation shall
14 be enforced exclusively by the turnpike enterprise.

15
16 The governing bodies of local governments may provide a
17 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
18 and this section, for the enforcement of the provisions of
19 this part. Such fees shall be used solely for carrying out
20 the local government's responsibilities in enforcing the
21 Florida Building Code. The authority of state enforcing
22 agencies to set fees for enforcement shall be derived from
23 authority existing on July 1, 1998. However, nothing contained
24 in this subsection shall operate to limit such agencies from
25 adjusting their fee schedule in conformance with existing
26 authority.

27 Section 27. Except as otherwise provided in this act,
28 this act shall take effect upon becoming a law.

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SENATE SUMMARY

Revises various laws governing operations of the Department of Transportation. Redesignates the turnpike district as the turnpike enterprise. Authorizes the department to issue bonds for the construction of busway transportation systems. Eliminates the cap on innovative highway projects for the turnpike enterprise. Authorizes the department to enter into design-build contracts that include right-of-way acquisition services. Expands the projects that can be combined into a design-build contract and provides restrictions. Redesignates the Florida Turnpike Law as the Florida Turnpike Enterprise Law. Redefines the term "economically feasible" as used with respect to turnpike projects. Provides legislative findings, policy, purpose, and intent for the turnpike enterprise. Prescribes the power and authority of the turnpike enterprise. Increases the maximum loan amount for the turnpike enterprise. Authorizes the turnpike enterprise to advertise for bids for contracts before obtaining environmental permits. Authorizes the turnpike enterprise to expand business opportunities. Authorizes the consideration of goods instead of fees. Provides that approved expenditures to the Florida Highway Patrol be paid by the turnpike enterprise. Lowers the required cash reserve for the turnpike enterprise. Provides for self-regulation. Increases the amount that local governments may advance to the department for state road projects. (See bill for details.)